

# **WISCONSIN LEGISLATIVE COUNCIL STAFF**

## ***RULES CLEARINGHOUSE***

**Ronald Sklansky**  
Director  
(608) 266-1946

**Richard Sweet**  
Assistant Director  
(608) 266-2982



**Terry C. Anderson**  
Director  
Legislative Council Staff  
(608) 266-1304

One E. Main St., Ste. 401  
P.O. Box 2536  
Madison, WI 53701-2536  
FAX: (608) 266-3830

## **CLEARINGHOUSE RULE 00-071**

### **Comments**

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

### **2. Form, Style and Placement in Administrative Code**

a. The board’s analysis in the notice of hearing is substantially better than the analysis contained on the first page of the material submitted for Legislative Council Staff review. The analysis in the notice of hearing should also be used as the analysis of the rule submitted to Legislative Council Staff.

b. Reference to pertinent provisions of 1999 Wisconsin Act 9 in the analysis would be helpful.

c. The newly created s. Eth 4.01 should include a title for the section. Also, in the introduction, the phrase “all of the following” should be inserted after the word “diligence.” With this change, the semicolons concluding the following subunits should be replaced by periods. Finally, pars. (a) to (d) should be renumbered subs. (1) to (4).

### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. Consideration should be given to clarifying, perhaps in a note to s. Eth 4.01, that reference to “appropriation” in par. (c) does not include an appropriation that is part of a numbered legislative proposal or proposed administrative rule or a budget bill subject. In other words, if an appropriation relates to a “topic of a lobbying communication,” then that

appropriation is not part of a legislative proposal, administrative rule or budget bill subject but is outside those categories. Including examples in a note may be helpful.

b. Is par. (d) appropriately placed in the list of items following the introductory clause or, instead, should an independent provision indicate that the board may request additional information, on a case-by-case basis, if the board determines it necessary for compliance with the requirements of s. 13.67 (1), Stats.? Unless the board promulgates additional rules concerning the additional information, a principal will not know until after submittal of a report that information in addition to that specified in pars. (a) to (c) is required. Clarification may be in order.

c. Section Eth 4.01 defines what constitutes a “topic” when a principal makes a report under ch. 13, Stats. However, s. 13.67 (2), Stats., as affected by 1999 Wisconsin Act 9, provides that a person who is *not* a principal may register with the board an interest in a legislative proposal, proposed administrative rule, budget bill subject or other topic. Presumably, a “topic” under this provision of the statutes is the same as a “topic” under s. 13.67 (1), Stats., as affected by 1999 Wisconsin Act 9. If so, the rule provision should clarify this point.